IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 396 of 2004 (S/B)

Srikrishan Pandey S/o Sri Umakant Pandey,
Serving as Accountant in the
Office of District Assistant Registrar,
Cooperative Societies,
Uttarakhand, Champawat. ……. Petitioner

Versus

1. State of Uttarakhand,
through Principal Secretary,
Finance Department,
Uttarakhand Shasan, Dehradun.
2. Nideshak, Lekha Evam Hakdari,
Uttarakhand, 23 Laxmi Road,
Dalanwala, Dehradun.
3. Registrar, Cooperative Societies,
Uttarakhand, Almora. …….. Respondents

Mr. Manoj Tiwari, Advocate for the petitioner.
Mr. J.P. Joshi, Chief Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Manoj Tiwari, Advocate for the petitioner.

Mr. J.P. Joshi, Chief Standing Counsel for the respondents.

2. Mr. J.P. Joshi, the learned Chief Standing Counsel for the respondents has raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal for the reliefs claimed by the petitioner after the two amendments in the writ petition.

3. Mr. Manoj Tiwari, the learned counsel for the petitioner could not demonstrate as to how the alternative remedy of filing a claim

petition before the Public Services Tribunal is not efficacious in the present case.

4. In this view of the matter and following the Division Bench decisions in the cases of **Bhuvan Chandra Pandey & others Vs. State of Uttaranchal & others** reported in **2006(2) U.D. 439** and **Nanda Ballabh Pant Vs. State of Uttaranchal & others (W.P.S.B. No. 257 of 2005),** we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India with the liberty to the petitioner to avail the alternative remedy of filing a claim petition before the Public Services Tribunal and also to seek condonation of the delay in filing the claim petition on the ground that the petitioner was pursuing the writ petition under bonafide belief.

5. The writ petition, therefore, is dismissed with the above liberty to the petitioner.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**
13.12.2007 13.12.2007

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